

REMARKS

Status of the claims:

With the above amendments, claim 4 has been canceled and claims 2 and 3 have been amended. No new matter has been added by way of the above amendments. Claims 2 and 3 have been amended by deleting subject matter from the claims. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §112, second paragraph

Claims 2 and 3 have been rejected under 35 USC §112, second paragraph as being indefinite. The Examiner asserts that the scope of the claims is unknown because it is unknown what are the definitions of "estrogen receptor modulator", "isotonic agent", "diluent", "lubricant", and "solubilizing aid". Applicants have amended the claims so that these phrases no longer appear in them. Thus, these rejections are moot. Withdrawal of the rejection is warranted and respectfully requested.

Rejections under 35 USC §103

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over Kikuchi et al. Kikuchi et al. (Kikuchi et al., Chem. Pharm. Bull., Vol. 31 No. 7, pp. 2296-2301, 1983). Claim 4 has been canceled so the rejection is moot. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

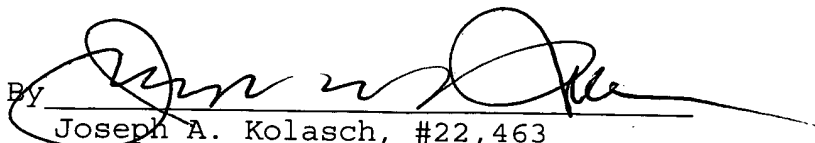
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact T. Benjamin Schroeder (Reg. No. 50,990), at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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